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Environment and Natural Resources Division
United States Department of Justice

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**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEVADA**

UNITED STATES OF AMERICA,)	3:73-CV-00127-MMD-WGC
)	
Plaintiff,)	RESPONSE TO COURT'S REQUEST
)	FOR A PROPOSED ORDER
WALKER RIVER PAIUTE TRIBE,)	
)	
Plaintiff-Intervenor,)	
vs.)	
)	
WALKER RIVER IRRIGATION DISTRICT,)	
a corporation, et al.,)	
)	
Defendants.)	
_____)	

The Court instructed the parties to review the *Superseding Order Regarding Service and Filing in Subproceeding C-125-B on and by All Parties* (ECF 2100) in connection with the Court's service on Unrepresented Parties and on Non-Appearing Parties as those terms are defined therein,

and to submit a proposed Order with respect to the issue of such service. *See Minutes of Proceeding* (ECF 2389) at 2 ¶ 3. Based upon that review, the United States and other principal parties have concluded that the Superseding Order is clear that

[A] Non-Appearing Party here who has been properly served and has not filed a Notice of Appearance and Intent to Participate need not be served further by the Court or other parties unless and until that party does so appear (except for pleadings asserting a new claim for relief against that party, which must be served on that party under Rule 4).

Superseding Order at 3, Ins. 17-21; p. 7 ¶ 9.

They have also concluded that the Superseding Order is clear that

[I]f an Unrepresented Party fails either to consent to electronic service or service by postcard, or if a Non-Appearing Party takes no action and remains a Non-Appearing Party, that party shall be deemed to have consented and agreed to receive service and subsequent notice of all filings in this matter by taking the responsibility to check the public website by selecting “Walker River” on the Court’s website (www.nvd.uscourts.gov) or by accessing the public website directly (<https://ecf.nvd.uscourts.gov/casedisplay>).

Superseding Order at 9, ¶ 15.

The Superseding Order is also clear that Unrepresented Parties who do not update their mailing or email address will be removed from electronic/postcard service lists and they will be deemed to be served electronically by the website. Superseding Order at 12, ¶¶ 25 and 27.

Based upon that review, the United States and other principal parties have concluded that more specific provisions might be added to the Superseding Order to address the extent to which the Court will serve Unrepresented Parties who have requested postcard notice with respect to matters which do and do not require postcard notice by a party filing. The United States has prepared a proposed Order as instructed and has attached it to this Response as Attachment A. In the course of preparing the proposed Order, the United States has consulted with the principal parties associated with this case, and has incorporated the comments of those parties.

Dated: November 16, 2018

Respectfully submitted,

By /s/ Andrew "Guss" Guarino
Andrew "Guss" Guarino

Attorney for the United States of America

Certificate of Service

It is hereby certified that on November 16, 2018 service of the foregoing was made through the court's electronic filing and notice system (ECF) to all of the registered participants.

Further, pursuant to the *Superseding Order Regarding Service and Filing in Subproceeding C-125-B on and by All Parties* (ECF 2100) at 10 ¶ 20, the foregoing does not affect the rights of others and does not raise significant issues of law or fact. Therefore, the United States has taken no step to serve notice of this document via the postcard notice procedures described in paragraph 17.c of the Superseding Order.

By /s/ Andrew "Guss" Guarino
Andrew "Guss" Guarino